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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,412	07/30/2001	Bin Lu	ENR-015	4205

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WAGNER, MURABITO & HAO LLP
THIRD FLOOR
TWO NORTH MARKET STREET
SAN JOSE, CA 95113

EXAMINER	
PRIETO, BEATRIZ	

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/919,412	LU ET AL.	
	Examiner	Art Unit	
	Prieto Beatriz	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 19-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 19-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 1, 2006 has been entered. Claims 1-17 and 19-43 remain pending.

2. This communication is in response to Amendment filed 03/09/06, all independent claim at least have been amended to include added limitation(s), claims 1-17, 19-43 have been examined.

Claim Rejection under 35 U.S.C. 103

3. Quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action may be found in previous office action.

4. Claims 1-6, 8-9, 13-17, 19-21, 23-24, 28-36, 38, 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzma (US 5,771,355) in view of Hoffert et. al. (US 5,903,892) (Hoffert hereafter) in further view of Rudy et. al. (US 6,360,252) and as further exemplified by Soles et. al. (US 2001/0143918)

Regarding claim 1, and 5 Kuzma teaches a system (Figs. 1-3 and col 1/lines 26-56) and method (col 14/lines 24-43) configured to communicate media files, comprising:

a sender client configured to provide a message comprising: a recipient address and a handle to a media file (col 1/lines 13-22, col 2/lines 24-58), the handle to the media comprising reference to the media file (col 1/lines 36-67), and a pointer location to the media file (col 5/lines 10-54);

a server configured to receive and provide said message from the sender client to a receiver client that corresponds with said recipient address, said receiver client configured to receive said message from said server (col 3/lines 26-62);

wherein said receiver client is configured to access said media file from the sender client and a peer receiver client source of the media file (col 44/lines 44-47, col 5/lines 10-54 and col 6/lines 8-15); and

wherein the location message is sent without the media file (Kuzma column 5, lines 1-28, 62-65); however Kuzma teaches a message comprising a handle to a media file, he does not teach where the media file includes copyright information.

Hoffert teachings related to the field of digital media such as audio/video clips (abstract, background) including the delivery via an email server (col 28/lines 11-16), teaches wherein to facilitate the delivery/retrieval of media files by indexing streaming media files with information describing the media files content, including a handle to the media file, e.g. URL and content attributes such as title, author, copyright information (col 6/lines 53-col 7/line 19).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestion of Kuzma for retrieving media files using a handle to the media file, the teachings of Hoffert for enabling the retrieval of media files by attributes other than their type, would be readily apparent. One would be motivated to enhance files transmittable over the Internet including email, with file indexing attributes more descriptive of the content, such as the media file location, e.g. socket, header data, title, author, copyright, additional information such as resolution, duration, resolution, frame rate, etc. this would enable the receiver client ascertain the resources and the time required for selectively downloading desired media file, as explicitly suggested by the applied references; however, the above-mentioned prior art does not teach sending a message further comprising a preview of a file. However Kuzma does not explicitly teach where the message comprises and preview of a video file.

Rudy teachings regarding digital media and the field of electronic email, teaches sending in a message a user understandable description of a file comprising the name of the file, and a small thumbnail of the image file i.e. a view in advance or preview of the media file (col 7/lines 14-21, 48-58 and column 1, lines 25-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made given the suggestions of handling media files using email the teachings of Rudy would be readily apparent. One of ordinary skill in the art would be motivated to include a preview of the media file in the form of a thumbnail, which provides a preview image of and an index to the corresponding full size of the media file. One would be motivated to apply Rudy's teachings because they can be used where there is a low bandwidth connection between the server and a user's client machine, where there is a high latency connection such as through a satellite link or a modem or Wireless Application Protocol (WAP) phone that requires time to establish connection, or where there is an unreliable or intermittent connection. In addition, the techniques are advantageous because they can be used where the client machine is not adequate to render most attachments due to storage limitations or due to inadequate output capabilities, such as a small display or a display with inadequate resolution; however the above-mentioned prior art does not explicitly teaches determining the connectivity between to clients.

One of ordinary skill in the art would recognize that connectivity between to communicatively operating devices can be determined via a ping, probe or ICMP among other mechanisms. Soles merely exemplify the mechanism for checking for a connection to another peer client for establishing a communication therewith [Soles 0078]. It would have been obvious to one of ordinary skill in the art at the time the invention was made given the computing devices of a broad range [Soles 0036] configured to transfer multi-media data between them including providing/publishing multimedia stored therein [Soles 0005-0010] using the internet address/unique identifier [0046] for communicating, to determine if there is a existing connection by means of sending a ping message (i.e. request/response that verifies that a connection is established) to check connectivity to the peer client. One would be motivated to include the teachings of Soles into the Kuzma system making reference to available media files via email for enabling a broad range of peer clients to become active part of distributed applications that span many peers the transfer of data such as images, music files or video clips because in doing so client may choose from with peer client to retrieve data providing the choice to check for a connection to a peer client(s) from which media files can be retrieved and select the sending peer client through which the media file can be retrieved in the shortest amount of time, as suggested by Soles.

Regarding claims 2-3, wherein the sender and receiver clients are a personal computer (120 of Figs. 1-2, col 3/lines 7-18).

Regarding claim 4, wherein the server is an application service provider accessed via an Internet (301)(col 3/lines 19-46, col 3/line 63-col 4/line 10).

Regarding claim 5, wherein said message comprises a text of data information (col 1/lines 23-25) and copyright indication of a file (Hoffert column 28, lines 11-16 and column 6, line 53-column 7, line 19)

Regarding claim 6, address are network email address (col 1/lines 14-22).

5. Claims 7, 22, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1, in further view of Hsu et. al. (US 6,295,058) (Hsu hereafter).

Regarding claim 7, Hsu teachings pertaining the invention's field of endeavor, discusses as prior art the transmission of electronic mail containing audio and/or visual files obtained from various sources, e.g. a video cassette recorder or camcorder are converted in a suitable format, e.g. MPEG and stored locally on a storage device, and transmitting stored files as an email to a mail server (col 2/lines 3-15).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestion of Kuzma that the personal computers may be any suitable computer system which additionally may include a special purpose video processor, a video camera, and graphic viewer programs for rendering graphic files associated with email messages. One ordinary skilled in the art would be motivate create multimedia emails with a simple for of electronic communication to enable accessible to the general public and using an open architecture providing a service independent of the email service provider, as taught by Hsu.

Regarding claims 8-9, the sender and receiver client is further configured to use an HTTP protocol to provide and receive the location message (Kuzma: col 3/lines 63-col 4/line 31, 44-50).

6. Claims 10-12, 25-27 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1, in further view of Thurlow et. al. (US 6,457,879) (Thurlow hereafter).

Regarding claims 10-12, 25-27 and 39-41, however Kuzma does not explicitly teach a connection determination step.

Thurlow teaching pertaining to the invention's field of endeavor, teach determining the connection status between a client and server (col 15/lines 47-57, col 16/lines 54-67), and processing messages according to determined connection status (abstract).

Soles teaches checking for a connection to another peer client for establishing a communication therewith including sending a request and receiving a reply in response the said request, e.g. pings for determining availability of devices on a network [Soles 0078]. It would have been obvious to one of ordinary skill in the art at the time the invention was made given the computing devices of a broad range [Soles 0036] configured to transfer multi-media data between them including providing/publishing multimedia stored therein [Soles 0005-0010] using the internet address/unique identifier [0046] for communicating, to determine if there is a existing connection by means of sending a ping message (i.e. request/response that verifies that a connection is established) to check connectivity to the peer client. One would be motivated to include the teachings of Soles into the Kuzma system making reference to available media files via email for enabling a broad range of peer clients to become active part of distributed applications that span many peers the transfer of data such as images, music files or video clips because in doing so client may choose from with peer client to retrieve data providing the choice to check for a connection to a peer client(s) from which media files can be retrieved and select the sending peer client through which the media file can be retrieved in the shortest amount of time, as suggested by Soles.

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestion of Kuzma for enabling clients to have server functions to enable any client access each other in a peer fashion to include Thurlow's teachings for processing messages, e.g. sending and receiving between clients via servers. The teachings of Thurlow when applied to Kuzma will enable the clients or server to perform connection status determinations and process messages according to determined status. One would be motivated to provide users poll email server or client, e.g. recipients while online for incoming messages or reception availability, respectively, or offer user the option to work online or offline, discussed by Thurlow.

Regarding claims 13-15, connections between sender, mail server and recipient are Internet protocol based supported (Kuzma: col 12/lines 33-49). The system of claim 1, further comprising:

7. Claims 10-12, 25-27 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1, in further view of Kohtake, N., et. al. InfoStick: An Interaction Device for Inter-appliance Computing, HUC'99, LNCS 1707, 1999, p. 246-258.

Regarding claim 16, a sending device configured to provide a message comprising: a recipient address and a handle to a media file (Kuzma col 1/lines 13-22, col 2/lines 24-58), the handle to the media comprising reference to the media file (Kuzma col 1/lines 36-67), and a pointer location to the media file (Kuzma col 5/lines 10-54);

a server configured to receive and provide said message from the sending device to a receiving device that corresponds with said recipient address, said receiving device is configured to receive said message from said server (Kuzma col 3/lines 26-62);

wherein said receiving device is configured to access said media file from the sender client and a peer receiver client source of the media file (Kuzma col 44/lines 44-47, col 5/lines 10-54 and col 6/lines 8-15); however Kuzma does not explicitly teach a where the receiving device is a video recorder configured to receive a handle to a media file.

Kohtake suggests where a video recorder is configured as a networked reachable device to receive a handle media file of an interesting web site (e.g. URL) to access the media file associated with the handle (page 246-247).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the teachings of Kohtake for providing a networked video recorder with an URL to create a hardcopy of an image, as suggested by Kohtake (p. 1).

Regarding claims 17, 19-22, these claims are substantially the same as claims 2-7, discussed above same rationale of rejection is applicable.

Regarding claim 23, the protocol used by the receiver client to provide the location message is HTTP (Kuzma: col 12/lines 33-49).

Regarding claim 24-30, these claims are substantially the same as claims 9-15, same rationale of rejection is applicable.

Regarding claim 31, this claim comprises in substance the same subject matter discussed on claim 1, same rationale of rejection is applicable.

Regarding claims 32-43, these claims are substantially the same as claims 2-15, same rationale of rejection is applicable.

8. Claims 1, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzma in view of Hoffert in further view of Visual Preview for Link Traversal on the WWW, Kopetzky, et. al. (Kopetzky hereafter) and as further exemplified by Soles et. al. (US 2001/0143918)

Regarding claim 1, Kuzma teaches a system (Figs. 1-3 and col 1/lines 26-56) and method (col 14/lines 24-43) configured to communicate media files, comprising:

a sender client configured to provide a message comprising: a recipient address and a handle to a media file (col 1/lines 13-22, col 2/lines 24-58), the handle to the media comprising

reference to the media file (col 1/lines 36-67), and a pointer location to the media file (col 5/lines 10-54);

a server configured to receive and provide said message from the sender client to a receiver client that corresponds with said recipient address, said receiver client configured to receive said message from said server (col 3/lines 26-62);

wherein said receiver client is configured to access said media file from the sender client and a peer receiver client source of the media file (col 44/lines 44-47, col 5/lines 10-54 and col 6/lines 8-15), wherein the location message is sent without the media file (column 5, lines 1-28, 62-65); however Kuzma teaches a message comprising a handle to a media file, he does not teach where the media file includes copyright information.

Hoffert teachings related to the field of digital media such as audio/video clips (abstract, background) including the delivery via an email server (col 28/lines 11-16), teaches wherein to facilitate the delivery/retrieval of media files by indexing streaming media files with information describing the media files content, including a handle to the media file, e.g. URL and content attributes such as title, author, copyright information (col 6/lines 53-col 7/line 19).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestion of Kuzma for retrieving media files using a handle to the media file, the teachings of Hoffert for enabling the retrieval of media files by attributes other than their type, would be readily apparent. One would be motivated to enhance files transmittable over the Internet including email, with file indexing attributes more descriptive of the content, such as the media file location, e.g. socket, header data, title, author, copyright, additional information such as resolution, duration, resolution, frame rate, etc. this would enable the receiver client ascertain the resources and the time required for selectively downloading desired media file, as explicitly suggested by the applied references. However, the above-mentioned prior art does not teach utilizing a preview of a file for describing a media file.

Kopetzky teaches adding the handle to a media file comprising a pointer to the location of a media file, a preview of the media file, denoted link preview. The link further comprises a preview image (Fig. 1, 2a-b and 3a) of the media file (p. 1-3). The enhanced links can be used for preview purposes (p. 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made given the suggestion of Kuzma using a handle to a media file comprising a reference to the media file and a pointer location to the media file, the teachings of Kopetzky for further enhancing said handle to a media file comprising a reference to the media file and a pointer to the location of the media file would have been readily apparent. One would be motivated to overcome the limitation of existing prior art in (discussed by Kopetzky) providing information regarding a media file other than textual hints provided to help the user to decide if a link is worthwhile to follow, because these are not supported by the standards browser. One would be motivated to apply the Kopetzky teachings to Kuzma's handle to a media file comprising a reference to the media file and a pointer location to the media file, because the technique can be used to implement a local overview fro web browsing and at the same time works with standard browsers without authoring effort and provides the user with a view of e.g. the page and content associated with the link, as noted by Kopetzky. However the above-mentioned prior art does not explicitly teaches determining the connectivity between to clients.

One of ordinary skill in the art would recognize that connectivity between to communicatively operating devices can be determined via a ping, probe or ICMP among other mechanisms. Soles merely exemplify the mechanism for checking for a connection to another peer client for establishing a communication therewith [Soles 0078]. It would have been obvious to one of ordinary skill in the art at the time the invention was made given the computing devices of a broad range [Soles 0036] configured to transfer multi-media data between them including providing/publishing multimedia stored therein [Soles 0005-0010] using the internet address/unique identifier [0046] for communicating, to determine if there is a existing connection by means of sending a ping message (i.e. request/response that verifies that a connection is established) to check connectivity to the peer client. One would be motivated to include the teachings of Soles into the Kuzma system making reference to available media files via email for enabling a broad range of peer clients to become active part of distributed applications that span many peers the transfer of data such as images, music files or video clips because in doing so client may choose from with peer client to retrieve data providing the choice to check for a connection to a peer client(s) from which media files can be retrieved and select

the sending peer client through which the media file can be retrieved in the shortest amount of time, as suggested by Soles.

Regarding claim 31, this claim comprises in substance the same subject matter discussed on claim 1, same rationale of rejection is applicable.

Response to Arguments

9. It is argued (p. 14 of remarks) that the applied prior art does not teach claim (1) limitation as now added. Specifically, wherein the location message is sent without the video file. Because in the Rudy reference attachments are included in the email.

In response to the above-mentioned argument, applicant's interpretation of the applied prior art. Kuzma teaches sending a message without sending the attachment file sending a reference to the attachment instead. Specifically, the e-mail message is transmitted along with a relatively small attachment reference, instead of actually transmitting the entire attachment file along with e-mail message as is done in prior art e-mail systems, the attachment reference comprises a pointer that points to the actual location of the attachment (column 5, lines 1-28); attachment reference comprises a uniform resource locator ("URL") pointer to the location of attachment (column 5, lines 62-65).

10. It is argued (p 14 of remarks) that the applied prior does not teach added claim (1) limitation, specifically, wherein the location message is sent without the video file, because the Rudy reference defines an attachment as being included in and accessible in an email item.

In response to the above-mentioned argument, applicant's teachings with respect to the Rudy reference has been considered. Specifically, in the Rudy reference on columns 7, lines 14-21, which define an attachment as an "attachment" as an item of data that is included in and accessible in an e-mail item but is not part of the e-mail message defined by the e-mail item. For example, many e-mail items include attachments in Multipurpose Internet Mail Extensions (MIME) or other formats, possibly defining still or video images, text or multimedia documents, other e-mail messages, audio segments, voice recordings, or other information, is noted.

Rudy teaches where a "descriptor" of an attachment is data that may indicate the name the attachment file and/or a thumbnail of the attachment file, whether the attachment file is, for example a text file or image file (see column 7, lines 48-58) and where attachments can, for example, contain images, text, or multimedia documents, other e-mail messages, video, audio, voice, or other information (see column 1, lines 25-28 and column 7, lines 14-21 as noted by applicant). Thus, the Rudy teaches a thumbnail of an attachment file, where the attachment files can contain video file. The thumbnail does not contain the video file, it is a descriptor of the video file.

11. It is argued (p 14 of remarks) that the applied prior does not teach added claim (1) limitation, specifically, wherein the location message is sent without the video file, because the Rudy reference thumbnails of a graphical files are not preview of a video files, specifically, because video is not graphical.

In response to the above-mentioned argument, applicant's interpretation of the applied prior art has been fully considered. The invention's disclosure has been reviewed for controlling definition of the claimed term video, however none found. For the purposes of examination the broadest reasonable interpretation inlight of the specification has been applied. The breadth of the term "video" does not exclude "graphical", as argued (see Ref U on PTO-892) (see MPEP 2111/2106). Thus, Rudy teaches sending a location message comprising a preview of the video file, as recited.

12. Applicant's argument filed 08/01/06 have been fully considered but not rendered persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew T. Caldwell can be reached at (571) 272-3868. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see http://pair-direct.uspto.gov or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
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Hand carried or delivered to:

Customer Service Window located at the Randolph Bldg.
401 Dulany St.
Alexandria, VA 22314

Faxed to the Central Fax Office:

(571) 273-8300 (New Central Fax No.)

Or Telephone:

(571) 272-2100 for TC 2100 Customer Service Office.

B. Prieto
Primary Examiner

BEATRIZ PRIETO
PRIMARY EXAMINER